

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN SEATING COMPANY,

Plaintiff,

-vs-

Case No. 01-00578
Hon: AVERN COHN

USSC GROUP, INC., et al.,

Defendant.

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ORDER GRANTING INJUNCTIVE RELIEF

This is a patent case involving U.S. Patent No. 5,888,038 (the '038 patent). On May 23, 2005, the Court found that defendant's VPRO I wheelchair restraint system infringed the '038 patent. On July 18, 2006, following a trial on damages, the Court entered a Consolidated Amended Final Judgment with respect to all of the issues in the case. Now before the Court is plaintiff's Second Motion to Alter or Amend Judgment requesting an injunction against future sales or offers to sell this by defendant of the VPRO I wheelchair restraint system. The motion is GRANTED.

In the circumstances of this case, a permanent injunction against further acts of infringement is in order. 35 U.S.C. §283; see Schwartz, Herbert F., Patent Law and Practice § 81.B (4th ed. 2003). Nothing said by the Supreme Court in eBay, Inc. v. MercExchange, LLC, 126 S.Ct. 1837 (2006) is to the contrary. Nothing in the issues raised in defendants pending motion for a judgment as a matter of law or in the alternative for a new trial implicates the request.

Accordingly, defendant is permanently enjoined from offering for sale or selling the VPRO I wheelchair restraint system.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 22, 2006

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, August 22, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160